

Appln. No. 09/955,453
Amendment dated November 13, 2003
Reply to Office Action of August 21, 2003

REMARKS/ARGUMENTS

Reconsideration of the present application, as amended, is respectfully requested.

The August 21, 2003 Office Action and the Examiner's comments have been carefully considered. In response, claims are cancelled and amended, and remarks are set forth below in a sincere effort to place the present application in form for allowance. The amendments are supported by the application as originally filed. Therefore, no new matter is added.

PRIOR ART REJECTIONS

In the Office Action claims 1-4 and 6-7 are rejected under 35 USC 102(b) by USP 5,874,219 (Rava et al.). Claims 5, 8, and 9 are rejected under 35 USC 103(a) as being unpatentable over Rava et al. in view of USP 6,458,601 (Kumura et al.) and further in view of "Webster Dictionary."

In response, claims 2 and 7 are cancelled and limitations are added to claim 1 to more clearly define the present claimed invention over the cited references.

The present claimed invention as defined by amended claim 1 is directed to an image data acquisition method including the steps of scanning a sample with a light beam wherein the sample includes a plurality of spots on a substrate. The method also

App'n. No. 09/955,858
Amendment dated November 13, 2003
Reply to Office Action of August 21, 2003

includes acquiring scanned image data by receiving light from the sample, and sequentially storing the acquired scanned image data obtained by scanning a region of a predetermined size every time a region scanned with the light reaches a predetermined size, wherein the size of the scanning region is adjusted based on the acquired scanned image data such that boundaries of adjacent scanning regions do not overlap the plurality of spots on the substrate.

USP 5,874,219 (Rava et al.) disclose a method for concurrently processing multiple biological chip assays. The sample (biological chip plate) in Rava et al. has a plurality of test wells each of which defines a space for the introduction of a sample. With this configuration, since positions of the test wells (spots in the present invention) are strictly determined, it is unnecessary to consider a shift of the spots from the predetermined position when the sample is divided into the plurality of areas and scanning is sequentially performed for each area. In the present claimed invention, the size of the scanning region is adjusted based on the acquired scanned image data. However, in Rava et al., there is no disclosure, teaching or suggestion that the scanning region is adjusted based on the scanned image data. Therefore, Rava et al. do not disclose,

Appln. No. 09/955,858
Amendment dated November 13, 2003
Reply to Office Action of August 21, 2003

teach or suggest the claimed subject matter of the present invention.

Kimura et al. does not close the gap between the present claimed invention as defined by amended claim 1 and Rava et al.

That is, the present claimed invention as defined by amended claim 1 is patentable over Rava et al. and Kimura et al., when taken either alone or in combination, because the references do not disclose, teach or suggest an image data acquisition method including sequentially storing the acquired scanned image data obtained by scanning a region of a predetermined size every time a region scanned with the light reaches a predetermined size wherein the size of the scanning region is adjusted based on the acquired scanned image data such that boundaries of adjacent scanning regions do not overlap the plurality of spots on the substrate.

In view of the foregoing, claim 1 is patentable over the cited references under 35 USC 102 as well as 35 USC 103.

Claims 3-6, 8 and 9 are either directly or indirectly dependent on claim 1 and are patentable over the cited references in view of their dependence on claim 1 and because the references do not disclose, teach or suggest each of the limitations set forth in the dependent claims.

Nov. 13, 2003 5:16PM FRISHAUF & PARTNERS

No. 4472 P. 9/9

Appln. No. 09/955,858
Amendment dated November 13, 2003
Reply to Office Action of August 21, 2002

Claims 3-6, 8 and 9 are amended to be consistent with amendments made to claim 1 and to place the claims in better form for consideration by the Examiner and in better form for allowance.

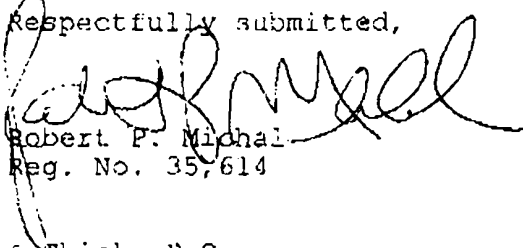
* * * * *

If the Examiner disagrees with any of the foregoing, the Examiner is respectfully requested to point out where there is support for a contrary view.

Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,


Robert P. Michal
Reg. No. 35,614

Frishauf, Holtz, Goodman & Chick, P.C.
767 Third Avenue - 25th Floor
New York, New York 10017-2032
Tel. (212) 319-4900
Fax (212) 319-5101
RPM/ms